

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA**

L. SEVILLE PARKS,

Plaintiff,

VS.

DEBRA BOOKS, et al.,

Defendants.

Case No.: 3:04-cv-00501-HDM-VPC

MINUTES OF COURT

December 14, 2010

PROCEEDINGS: JURY TRIAL - DAY ONE

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich **Reporter:** Kathryn French

Plaintiff Pro Se: L. Seville Parks

Counsel for Defendant: Stephen Quinn and Tim Andrews, Nevada AG Office

At 8:49 a.m., the Court convenes. The parties are present as indicated.

The Court recites matter on calendar this date.

Plaintiff Pro Se, L. Seville Parks, presents statements and requests to proceed with counsel in this matter. The Court recites statements.

The Court addresses Defendants' [378] Motion in Limine. **IT IS ORDERED, [378] Motion is DENIED.**

The Court recites tentative findings under Plaintiff's RLUIPA claim.

Mr. Quinn, on behalf of the Defendants, addresses question relating to voir dire.

The Court calls for the jury. At 9:03 a.m., forty (40) prospective jurors enter the Courtroom.

The Court presents opening remarks. The Court further summarizes this action and addresses the parties' prospective witnesses. The voir dire oath is administered and 14 prospective jurors are seated; voir dire proceeds.

At 9:38 a.m., the jury is passed for cause and peremptory challenges are exercised. Thereafter, eight (8) jurors are impaneled and sworn. The Court thanks and excuses the remaining prospective jurors.

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The Court instructs the jury regarding the sequence of trial proceedings.

At 9:50 a.m., the Court admonishes the jury, and the jury is excused for a brief recess.

At 10:00 a.m., the Court reconvenes in the presence of the jury.

Mr. Parks asserts his rights under the Fifth Amendment and desires not to proceed this date without counsel.

The Court orders the jury shall disregard the Plaintiff's previous statements. The Court admonishes Mr. Parks, and the Plaintiff is requested to proceed with opening statements.

Mr. Parks reasserts his rights under the Fifth Amendment.

At 10:07 a.m., the jury is admonished and excused. Court reconvenes outside the presence of the jury.

The Court directs statements to Plaintiff regarding the potential dismissal with prejudice of this action. Plaintiff confirms understanding and addresses possible appeal. The Court confirms that Plaintiff will retain his appeal rights.

The Court recites further statements.

At 10:16 a.m., the jury reenters the Courtroom. The Court addresses the jury regarding the status of the matter. The jury is thanked and excused.

Mr. Quinn recites oral motion for dismissal with prejudice of this action pursuant to Rule 50. Mr. Parks presents objection regarding dismissal.

At 10:19 a.m., the Court recites findings. **IT IS ORDERED, this matter is DISMISSED WITH PREJUDICE. IT IS SO ORDERED.**

The Plaintiff is advised of his rights regarding appeal.

At 10:25 a.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk